IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1066 of 2004 (M/B)

Kishore Singh Bhaskar, Advocate
S/o Late Shri Chhotey Singh Bhaskar,
Permanent R/o 140/3 Thana Sabiq, Kashipur,
District Udham Singh Nagar(Uttaranchal)
Present Address: Near T.R.C Bhowali,
District Nainital (Uttaranchal) ……..…. Petitioner

Vs.

1. Narayan Dutt Tiwari s/o Purna Nand Tiwari
   @ Narayan Dutt Vameta s/o Late Sri Purna Nand Vameta,
   Permanent resident of Village Padampuri (Veerbhati)
   Tehsil, P.S. and District Nainital.
   Present Address-Mohalla Singhan, Kashipur,
   Distt. Udham Singh Nagar,
   At present Chief Minister,
   State of Uttaranchal, Chief Minister Niwas,
   Doon Annexie, Near Circuit House,
   Dehradun (Uttaranchal)

2. Chief Secretary,
   Government of Uttaranchal,
   Dehradun, …….. Respondents.

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Mr. P.C. Jhingan, learned counsel for the petitioner.
Mr. Subodh Upadhayaya, learned counsel for the State.

Coram: Hon. V.S.Sirpurkar, C.J.
Hon. Rajesh Tandon, J.

Dated: 16.12.2004

[Per Hon. the Chief Justice]

1. Heard learned counsel for the parties.

2. The petitioner has filed this petition seeking for a writ of mandamus directing the respondents to decide his representation dated 16.06.2004 contained in Annexure 9 to the writ petition. The sum and substance of this writ petition is that though the State of Uttaranchal has a policy for reservation in favour of the Scheduled Castes and Scheduled Tribes, even in the matter of the appointment of their counsel, such as Government Pleaders in the High Court and the Subordinate Court as also in the Supreme Court, that is not being followed. The petitioner himself being a

lawyer craves for a direction that such a policy may be reflected in those appointments. He himself belongs to the Scheduled Caste.

3. When we go through the said representation (Annexure 9), we find that in para nos. 2, 4, 8 and 9, there are some allegations made against the Hon'ble the Chief Minister, which are not in good taste. Mr. P.C.Jhingan, learned counsel for the petitioner, very fairly withdraws all the allegations on behalf of the petitioner. He only says that he would also withdraw the said representation made to the Hon'ble the Chief Minister, but should be given liberty to make fresh representation in a decent manner. Learned Government Pleader has no objection to the consideration of any representation, if made properly to the proper authorities and in a decent manner. We express hope that if such representation is made, it may be considered and decided one way or the other.

4. With the above observations, the writ petition is disposed of.

(V.S.Sirpurkar, C.J.)

(Rajesh Tandon, J.)

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